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Dkt. 0575/62943/JPW/APE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Paul B. Fisher, et al.  
U.S. Serial No. 09/648,310  
Filed : August 25, 2000  
For : PROGRESSION SUPPRESSED GENE 13  
(PSGen13) AND USES THEREOF

1185 Avenue of the Americas  
New York, New York 10036  
December 22, 2000

Assistant Commissioner for Patents  
Washington, D.C. 20231

**ATTN: Box Missing Parts**

Sir:

**COMMUNICATION IN RESPONSE TO  
NOVEMBER 2, 2000 NOTICE TO FILE MISSING  
PARTS OF NONPROVISIONAL APPLICATION UNDER 37 C.F.R. §1.53(b)**

In response to a Notice to File Missing Parts of Nonprovisional Application Filing Date Granted under 37 C.F.R. §1.53(b) issued in connection with the above-identified application on November 2, 2000, a copy of which is enclosed as **Exhibit A**, applicants submit as **Exhibit B** a Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(d) and in compliance with 37 C.F.R. §1.63. The Declaration refers to the application's above-identified serial number and filing date.

Applicants submit herewith a Sequence Listing attached hereto as **Exhibit C** in compliance with the requirements of 37 C.F.R. §1.821(c). In addition, applicants submit herewith a computer readable form (diskette) containing the Sequence Listing in ASCII (DOS) format, which has the same content as the paper copy attached as Exhibit C. Applicants submit as **Exhibit D**, a Statement of Compliance Under 37 C.F.R. §1.821(f). Applicants believe that in view of the submitted disk and Statement of Compliance under 37 C.F.R. §1.821(f) certifying that the computer

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readable form containing the nucleic acid and/or amino acid sequences required by 37 C.F.R. §1.821(f) and submitted in connection with the above-identified application, has the same information which is submitted herewith as Exhibit C entitled "Sequence Listing". Thus, applicants maintain that the subject application now fully complies with the requirements of 37 C.F.R. §1.821 through §1.825 and request that the Examiner withdraw this objection.

In accordance with the Notice, the deadline for submitting the Declaration and Power of Attorney with the nucleotide and/or amino acid sequence disclosure is January 2, 2001. Accordingly, this Communication is being timely filed.

The surcharge under 37 C.F.R. §1.16(e) for responding to the Notice to File Missing Parts of Application under 37 C.F.R. §1.53(b) is ONE HUNDRED THIRTY DOLLARS (\$130.00) for a small entity. Applicants previously established Small Entity Status. A check for a total amount of \$130.00 is enclosed to cover the surcharge for filing a Declaration and Power of Attorney and Sequence Listing.

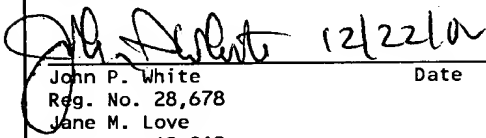
If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone at the number provided below.

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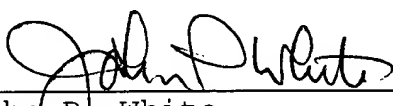
No fee, other than the enclosed \$130.00 surcharge fee, is deemed necessary in connection with the filing of this Communication. If any additional fees are required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents  
Washington, D.C. 20231

  
John P. White  
Reg. No. 28,678  
Jane M. Love  
Reg. No. 42,812

Date

  
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